



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/972,760	10/05/2001	Akihiko Toyoshima	50P4257.03	4600
36738	7590	03/10/2005	EXAMINER	
ROGITZ & ASSOCIATES			YANG, LINA	
750 B STREET			ART UNIT	
SUITE 3120			PAPER NUMBER	
SAN DIEGO, CA 92101			2665	

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/972,760	Applicant(s) TOYOSHIMA, AKIHIKO	
	Examiner Lina Yang	Art Unit 2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/05/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/14/05, 10/20/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification Objections

1. The disclosure is objected to because of the following informalities:

Paragraph [0021] line 15, "...and my receive the signal..." should be replaced with "...and may receive the signal...".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 3, 11 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Underbrink et al. (U.S. Patent US 6,532,370).

Regarding claim 1, Underbrink teaches a method to format at least one wireless module (cellular handset, fig. 3, element 302) and provide a wireless phone (cellular phone) with said wireless module (cellular handset) (col. 6, lines 8-18).

Regarding claim 2 and 3, Underbrink further teaches a method to format a wireless module (cellular handset, fig. 3, element 302) with any suitable standardized or

Art Unit: 2665

proprietary signaling formats, such as CDMA or GSM, and to provide a wireless phone (cellular phone) with said wireless module (cellular handset) (col. 6, lines 8-18).

Claims 11 and 13, which recite the step of implementing the features of the method claims 1 and 2, are rejected for the same reason as set forth in claims 1 and 2.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 4 -10, 12, 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Underbrink et al. (U.S. Patent US 6,532,370) in view of Gomez et al. (U.S. Patent US 5,884,195).

Regarding claim 4 - 10, Underbrink has been stated above in 102(e) rejection for claim 1. Underbrink differs from the claimed invention in that Underbrink does not disclose to provide and store an electronic serial number and a mobile station identification number to the wireless phone. However, Gomez discloses that each wireless phone (cellular telephone) contains programmable parameters that define the operation of wireless phone (cellular telephone). Gomez further teaches that these

parameters include the electronic serial number and the mobile station identification number. Gomez further discloses that these parameters are stored within a memory area of the wireless phone (cellular telephone) (Col 1, lines 24-35). Therefore, it would have been obvious for one of ordinary skill in the art at the time when the invention was made to include providing and storing an electronic serial number and the mobile station identification number as taught by Gomez in the assembly of Underbrink in order to uniquely identify the phone for security and verification as in automatic recognition and authentication.

Regarding claims 12 and 14-16, Underbrink has been stated above in 102(e) rejection for claim 11. Underbrink differs from the claimed invention in that Underbrink does not disclose to store an operational data, which comprises an electronic serial number and a mobile station identification number, to the wireless phone. However, Gomez discloses that each wireless phone (cellular telephone) contains the operational data (programmable parameters that define the operation of cellular telephone). Gomez further teaches that these parameters include an electronic serial number and a mobile station identification number. Gomez further discloses that these parameters are stored within a memory area of the wireless phone (cellular telephone)(Col 1, lines 24-35). Therefore, it would have been obvious for one of ordinary skill in the art at the time when the invention was made to include storing an operational data that comprises an electronic serial number and a mobile station identification number as taught by Gomez in the assembly of Underbrink in order to uniquely identify the phone for security and verification as in automatic recognition and authentication.

4. Claims 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Underbrink et al. (U.S. Patent US 6,532,370) in view of Gomez et al. (U.S. Patent US 5,884,195), and further in view of Redmond (U.S. Patent Application Publication No. 20020056142 A1).

Regarding claim 17, Underbrink and Gomez have been stated above in 103(a) rejection for claim 12. The modified assembly of Underbrink and Gomez comprises a multiple format wireless phone comprising at least one wireless module configured to store operational data. The modified assembly differs from the claimed invention in that Underbrink and Gomez do not specifically teach that the wireless module is configured to be removable. However, Redmond discloses employing different removable (plug-in) wireless modules 45 to accommodate different wireless protocols (fig. 5, paragraph [0031]). Therefore, it would have been obvious for one of ordinary skill in the art at the time when the invention was made to include a removable wireless module as taught by Redmond in the modified assembly of Underbrink and Gomez in order to accommodate different wireless formats in various region, therefore to increase the accessibility and portability of the wireless phone.

Claims 18 and 21 are rejected for the same reason as set forth in claims 17.

Claims 19 and 20, in addition to the above 103(a) rejection regarding claim 17, the modified assembly of Underbrink and Gomez further discloses that each wireless phone (cellular telephone) has a memory area that contains the operational data which comprising an electronic serial number and a mobile station identification number.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lina Yang whose telephone number is (571) 272-3151. The examiner can normally be reached on Monday-Friday (8:00am-6:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ly



HUY D. VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600